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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,034	07/15/2003	Cheryl Singer	22595	7491

535 7590 04/01/2005

THE FIRM OF KARL F ROSS  
5676 RIVERDALE AVENUE  
PO BOX 900  
RIVERDALE (BRONX), NY 10471-0900

EXAMINER

BALSIS, SHAY L

ART UNIT PAPER NUMBER

1744

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/620,034

Applicant(s)

SINGER, CHERYL

Examiner

Shay L. Balsis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/27/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf (PGPub 2002/0054784) in view of Spann (USPN D269917) and Sutton et al. (USPN 4601081).

Wolf teaches a toilet brush comprising a cardboard tube handle (figure 1, element 4, [0024]) and an open cell sponge (figure 1, element 5 [0021]). The sponge has a central hole extending from one end to an opposite end of the open cell sponge (figure 2). The cardboard tube fits into the central hole and extends a full length of the hole and the sponge (figure 2). Wolf teaches all the essential elements of the claimed invention however fails to teach that the sponge is shaped with a multiplicity of outwardly convex axially extending rounded ribs uniformly distributed in a regular pattern around a periphery of the sponge. Wolf also fails to teach that there is an adhesive between the sponge and tube to hold the sponge in place.

With regards to the shape of the sponge, Spann teaches a cleaning mop comprising a handle and sponge. The sponge is formed with a multiplicity of outwardly convex axially extending rounded ribs uniformly distributed in a regular pattern around a periphery of the sponge and extending longitudinally with uniform cross section between the ends and a respective V-section groove being defined between each two adjoining ribs (figures 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to

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use the sponge of Spann in place of the sponge on Wolf because both sponges are equivalent structure known in the art since they both perform the exact same function of cleaning equally well. Therefore, because these two cleaning devices were art-recognized equivalents at the time of the invention was made, one of ordinary skill in the art would have found it obvious to substitute Wolf's sponge for Spann's sponge.

With regards to the adhesive between the tube and the sponge, Sutton teaches a toilet brush comprising a handle and sponge. The sponge material is attached to the handle by means of an adhesive (col. 3, lines 9-12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use an adhesive as taught by Sutton to connect the handle of Wolf to the sponge of Spann. By using an adhesive the pad will be attached to the handle in a substantially permanent manner and the sponge will not fall or slide off the handle when cleaning a toilet (col. 3, lines 9-12).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf (PGPub 2002/0054784) in view of Spann (USPN D269917) and Sutton et al. (USPN 4601081) and Genovese, Jr. (USPN 5092013).

Wolf in view of Spann and Sutton teach all the essential elements of the claimed invention as stated above however the references fail to teach placing the toilet brush in a packaging material. Genovese teaches a toilet brush that is originally packaged in a plastic wrapper or envelope (figure 1, element 10). It would have been obvious to package the brushes of Wolf in view of Spann and Sutton in the packaging as taught by Genovese so as to prevent moisture or air from reaching the brushes before use. Additionally, using a packaging material would be beneficial for sanitary purposes and keeping the brushes clean before use (col. 3, lines

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1-8). While Genovese teaches packaging only one toilet brush it would have been obvious to package two per wrapper since packaging two toilet brushes together instead of just one is duplicating a part for a multiple effect. *In re Harza*, 124 USPQ 378, 380. This is a modification that has been considered to be within the level of ordinary skill in the art to follow and therefore it would have been obvious to package two toilet brushes in the same package.

As to the configuration of the brushes in the package, Wolf in view of Spann and Sutton and Genovese disclose all the essential elements of the claimed invention however, the references fail to teach that the brushes are disposed in the package with the handle portion of one of the toilet brushes opposite to the sponge of the other toilet brush and the handle of the other toilet brush opposite the sponge of said one toilet brush. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to configure the brushes in the package any way, whether sponge opposite sponge, or sponge opposite handle because Applicant has not disclosed that the sponge opposite handle configuration as claimed provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with sponge opposite sponge or the claimed sponge opposite handle because both configurations perform the same function of preventing air and moisture from contaminating the toilet brushes equally well. Therefore, it would have been obvious to one of ordinary skill in the art to modify Genovese to obtain the invention as specified in claim 9.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection for new claims 8 and 9.

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***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb  
3/29/05

  
JOHN KIM  
SUPERVISORY EXAMINER  
GROUP 1700